

PART D—PROMOTIONAL PROGRAMS CHAPTER 551—COASTWISE TRADE

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SECTION 55101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55101(a)	46 App.:877 (words before last proviso).	June 5, 1920, ch. 250, § 21, 41 Stat. 997; Apr. 16, 1936, ch. 228, 49 Stat. 1207; Pub. L. 97–31, § 12(47), Aug. 6, 1981, 95 Stat. 157.
55101(b)(1)	46 App.:877 (last proviso).	
55101(b)(2)	48:1664.	June 14, 1934, ch. 523, 48 Stat. 963.

In subsection (a), the words “apply to the United States, including ” are substituted for “extend to” for clarity. The words “From and after February 1, 1922” and “not covered thereby on June 5, 1920” are omitted as obsolete. The requirement to establish adequate steamship service to the island Territories and possessions is omitted as executed and obsolete.

In subsection (b)(1), the words “and fix a date for the going into effect of same” are omitted as surplus.

The provisos of 46 App. U.S.C. 811 relating to the Philippine Islands are omitted as obsolete because of the independence of the Philippine Islands. See Proc. No. 2695 of July 4, 1946, 11 Fed. Reg. 7517, 60 Stat. 1352 (22 U.S.C. 1394 note).

SECTION 55102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55102	46 App.:883 (words before 1st proviso, 11th proviso).	June 5, 1920, ch. 250, § 27 (words before 1st proviso, 11th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 95-410, title II, § 213, Oct. 3, 1978, 92 Stat. 904; Pub. L. 101-329, § 1(a)(1), June 7, 1988, 102 Stat. 588; Pub. L. 102-587, title V, § 5501(b), Nov. 4, 1992, 106 Stat. 5085.

In subsection (a)(1), the words “(as defined in section 2101 of the [sic] title 46)” are omitted because the definition of “State” is being moved to chapter 1 and will apply to the entire title.

In subsection (b), the words “may not provide any part of the transportation” are substituted for “No . . . shall be transported” and “or for any part of the transportation” because of the reorganization of the language. The words “including Districts, Territories, and possessions thereof” are omitted because of the definition of “United States” in chapter 1 of the revised title. The words “to which the coastwise laws apply” are substituted for “embraced within the coastwise laws” for consistency with section 55101. The words “is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade” are substituted for “owned by persons who are citizens of the United States”, and the words “has been issued a certificate of documentation with a coastwise endorsement under chapter 121” are substituted for “documented under the laws of the United States”, for clarity and consistency in the revised title. The words “or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement” are added for consistency with section 12102 as revised by the bill. The requirement that the vessel be built in the United States is omitted from this section for consistency with the requirements for a coastwise endorsement, which also require that the vessel be built in the United States except in certain circumstances. The words “or vessels to which the privilege of engaging in the coastwise trade is extended by section 808 of this Appendix or section 22 of this Act” are omitted because the relevant portion of section 808, and section 22, have been repealed.

In subsection (c), the words “any person” are substituted for “any consignor, seller, owner, importer, consignee, agent, or other person or persons” to eliminate unnecessary words.

SECTION 55103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55103	46 App.:289.	June 19, 1886, ch. 421, § 8, 24 Stat. 81; Feb. 17, 1898, ch. 26, § 2, 30 Stat. 248.

This section is substituted for the source provision for consistency with section 55102. See 19 C.F.R. §§ 4.80, 4.80a (2004).

In subsection (b), the penalty amount reflects the adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note). See 19 C.F.R. § 4.80(b)(2) (2004).

SECTION 55104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55104(a)(1)	46 App.:289c(b) (related to meaning of certificate).	Pub. L. 98-563, Oct. 30, 1984, 98 Stat. 2916.
55104(a)(2)	46 App.:289c(e).	
55104(b)	46 App.:289c(a).	
55104(c)	46 App.:289c(b).	
55104(d)	46 App.:289c(c).	
55104(e)	46 App.:289c(d).	

In subsection (a), the definition of “certificate” is added based on the language in 46 App. U.S.C. 289c(b)(1) and (2) to avoid repeating the substance of the definition twice in the section.

In subsection (b), the words “Notwithstanding any other provision of law” and “directly or by way of a foreign port” are omitted as unnecessary.

SECTION 55105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55105	46 App.:883 (2d–6th sentences, last sentence less provisos).	June 5, 1920, ch. 250, § 27 (2d–6th sentences, last sentence less provisos), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 97-389, title V, § 502, Dec. 29, 1982, 96 Stat. 1954.

In subsection (a), the words “after December 31, 1983” are omitted as obsolete. The words “transportation of merchandise under section 55102 of this title” are substituted for “For the purposes of this section” and “transportation by water of merchandise between points in the United States” for consistency with section 55102.

In subsection (b)(2), the words “all current” are omitted as surplus.

Subsection (c) is substituted for “or after such time as an appropriate vessel has been constructed and documented as a vessel of the United States” to improve the organization.

SECTION 55106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55106	46 App.:883 (7th proviso).	June 5, 1920, ch. 250, § 27 (7th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 92-163, § 1, Nov. 23, 1971, 85 Stat. 486.

In subsection (a), the words “non-self-propelled” are omitted as unnecessary because of the definition of “barge” in chapter 1 of the revised title. The words “between points in the United States” and “without regard to whether any such barge is under foreign registry or qualified to engage in the coastwise trade” are omitted as surplus.

SECTION 55107

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55107	46 App.:883 (6th proviso).	June 5, 1920, ch. 250, § 27 (6th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 89-194, Sept. 21, 1965, 79 Stat. 823; Pub. L. 90-474, Aug. 11, 1968, 80 Stat. 700; Pub. L. 92-163, § 1, Nov. 23, 1971, 85 Stat. 486.

In subsection (a), before clause (1), the words “by vessels of the United States not qualified to engage in the coastwise trade, or by vessels of foreign registry” are omitted as unnecessary. In clause (4), the words “by the Secretary of the Treasury” are omitted as unnecessary because the section referred to provides who administers it.

SECTION 55108

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55108	46 App.:883 (last proviso).	June 5, 1920, ch. 250, § 27 (last proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 101-329, § 1(a)(2), June 7, 1988, 102 Stat. 588; Pub. L. 107-295, title II, § 213(c), Nov. 25, 2002, 116 Stat. 2100; Pub. L. 108-____, title IV, § 417, Aug. ____, 2004, 118 Stat. ____.

In subsection (a), the words “coastwise endorsement under chapter 121” are substituted for “coastwise endorsement under section 12106” because section 12106 is being restated in various sections in revised chapter 121.

In subsection (b), the words “Section 55102 of this title does not apply” are substituted for “shall not be deemed transportation subject to this section” for consistency in the chapter.

SECTION 55109

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55109	46 App.:292.	May 28, 1906, ch. 2566, § 1, 34 Stat. 204; Pub. L. 102-87, title V, § 5501(a)(1), Nov. 4, 1992, 106 Stat. 5084.

Subsection (a)(1) is substituted for “(1) the vessel meets the requirements of section 883 of this Appendix and sections 802 and 803 of this Appendix for engaging in the coastwise trade” for consistency with other sections of the revised title and to eliminate unnecessary words. Section 883 requires (among other things) that the vessel be owned by citizens of the United States, and section 802 contains the requirements for certain entities to qualify as citizens. Those requirements are restated in section 50501 which applies to this section. Section 883 also requires that the vessel be built in and documented under the laws of the United States. Those latter two requirements are covered by subsection (a)(3). Note that the build requirement is a requirement for a coastwise endorsement.

In subsection (a)(3), the words “or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement” are added for consistency with section 12102 as revised by the bill.

SECTION 55110

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55110	46 App.:883 (12th proviso).	June 5, 1920, ch. 250, § 27 (12th proviso), 41 Stat. 999; Pub. L. 100-329, § 1(a), June 7, 1988, 102 Stat. 588.

The words “or place” are omitted as surplus. The words “as defined in the Presidential Proclamation of March 10, 1983” are omitted because “exclusive economic zone” is defined in chapter 1 of the revised title.

SECTION 55111

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55111	46 App.:316(a), (b).	R.S. § 4370; June 11, 1940, ch. 324, 54 Stat. 304; Pub. L. 99-307, § 10, May 19, 1986, 100 Stat. 447; Pub. L. 100-329, § 2, June 7, 1988, 102 Stat. 589; Pub. L. 104-324, title XI, § 1115(b)(3), Oct. 19, 1996, 110 Stat. 3972.

In subsection (a), the words “or to do any part of such towing” and “other than a vessel in distress” in the source provision are made applicable to all the towing described in subsection (b) for clarity and consistency. In clause (1), the words “wholly owned by citizens of the United States for purposes of engaging in the coastwise trade” are substituted for “wholly owned by a person who is a citizen of the United States within the meaning of the laws respecting the documentation of vessels” for consistency in this chapter.

Subsection (a)(2) is substituted for “having in force a certificate of documentation issued under section 12106 of title 46” for consistency in this chapter and with section 12102(b) as revised by the bill.

In subsection (b)(1), the words “in the United States to which the coastwise laws apply” are substituted for “in the United States, its Territories or possessions, embraced within the coastwise laws of the United States” because of the definition of “United States” in chapter 1 of the revised title and because of section 55101 of the revised title.

In subsection (b)(3), the words “or place” are omitted as surplus. The words “as defined in the Presidential Proclamation of March 10, 1983” are omitted because “exclusive economic zone” is defined in chapter 1 of the revised title.

In subsection (c), the penalty amounts reflect the adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note). See 19 C.F.R. § 4.92 (2004). In paragraph (2), the words “which sum may be recovered by way of libel or suit” are omitted as surplus.

The text of 46 App. U.S.C. 316(b) is omitted as unnecessary because of the definition of “person” in section 1 of title 1.

SECTION 55112

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55112	46 App.:316a.	Pub. L. 107–295, title IV, § 404, Nov. 25, 2002, 116 Stat. 2114.

In subsection (a), the words “(as that term is defined in section 2101 of title 46, United States Code)” are omitted because the definition of “vessel of the United States” is being moved from section 2101 to chapter 1 of the revised title and will apply title-wide.

SECTION 55113

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55113	46:12101 note.	Pub. L. 104–324, title XI, § 1117, Oct. 19, 1996, 110 Stat. 3973.

SECTION 55114

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55114(a)	46 App.:251(a) (1st sentence).	R.S. § 4311; Sept. 2, 1950, ch. 842, 64 Stat. 577; Pub. L. 87–220, § 1, Sept. 13, 1961, 75 Stat. 493; Pub. L. 96–61, § 2, Aug. 15, 1979, 93 Stat. 407; Pub. L. 96–594, title I, § 126(b), Dec. 24, 1980, 94 Stat. 3459; Pub. L. 100–239, § 8(a), Jan. 11, 1988, 101 Stat. 1783.
55114(b)	46 App.:251(a) (last sentence).	
55114(c)	46 App.:251(b).	
55114(d)	46 App.:251(c). 46 App.:251a.	
		Pub. L. 87–220, § 2, Sept. 13, 1961, 75 Stat. 493.

In subsection (a), before clause (1), the words “whether documented as a cargo vessel or otherwise” are omitted as unnecessary.

In subsection (d), the words “severally” and “in addition to any other penalty provided in law” are omitted as unnecessary. The last sentence is substituted for 46 App. U.S.C. 251a.

SECTION 55115

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55115	46 App.:883 (10th proviso).	June 5, 1920, ch. 250, § 27 (10th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 97–389, title V, § 504, Dec. 29, 1982, 96 Stat. 1956.

The words “Section 55102 of this title does not apply to” are substituted for “for the purposes of this section” and “shall be considered ship’s equipment and not merchandise” for consistency in the chapter.

SECTION 55116

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55116	46 App.:883 (3d proviso).	June 5, 1920, ch. 250, § 27 (3d proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 85-508, § 27(a), July 7, 1958, 72 Stat. 351; Pub. L. 104-324, title VII, § 747(1), Oct. 19, 1996, 110 Stat. 3943.

SECTION 55117

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55117	46 App.:883 (5th proviso).	June 5, 1920, ch. 250, § 27, as added Apr. 11, 1935, ch. 58, 49 Stat. 154.

SECTION 55118

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55118	46 App.:316(c).	R.S. § 4370(c); restated June 11, 1940, ch. 324, 54 Stat. 304.

The words “company or corporation” after “foreign railroad” are omitted as unnecessary. The words “vessel not having a coastwise endorsement” are substituted for “such vessel” (referring to a vessel described in 46 App. U.S.C. 316(a)) for clarity and because of the reorganization of the source material in the revised title. The words “However, the foreign railroad is subject to the same restrictions imposed by law on a vessel of the United States entering a port of the United States from the same foreign country” are substituted for “without being subject to any other or different restrictions than those imposed by law on any vessel of the United States entering ports of the United States from ports in the same foreign country” to eliminate unnecessary words. The words “Except as otherwise authorized by this chapter” are substituted for “except as authorized by section 883 of this Appendix” because of the reorganization of the source material in the revised title. The words “its Territories or possessions” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

SECTION 55119

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55119	46 App.:883 (4th proviso).	June 5, 1920, ch. 250, § 27 (4th proviso), 41 Stat. 999; Exec. Order No. 6166, June 10, 1933, § 12; July 2, 1935, ch. 355, 49 Stat. 442; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 204, 64 Stat. 1276; Pub. L. 97-31, § 12(49), Aug. 6, 1981, 95 Stat. 157.

SECTION 55120

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55120	46 App.:291.	Feb. 17, 1898, ch. 26, § 3, 30 Stat. 248.